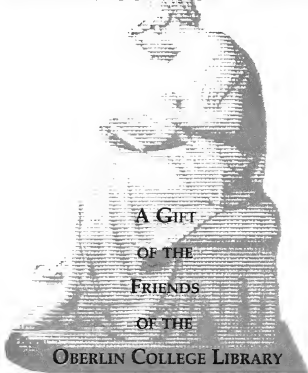

THE HIGHER LAW.

MR. BRADFORD'S SERMON

DELIVERED AT

BRIDGEWATER,—FAST-DAY, 1851.

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THE HIGHER LAW.

A

SERMON,

DELIVERED ON FAST DAY, APRIL 10, 1851,

TO THE

FIRST CONGREGATIONAL SOCIETY

OF

BRIDGEWATER, MASS.

BY CLAUDIUS BRADFORD,

Late Minister of the Society.

BOSTON:

PRINTED BY I. R. BUTTS, No. 2 SCHOOL STREET.

1851.

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SERMON.

ACTS, V. 29.

Then Peter and the other apostles answered and said, We ought to obey God rather than men.

MUCH is said lately about the higher law. What do people mean by this? Higher law! Higher than what? And how higher? Why, higher than the law of the land. Of what land? Why, of this land, of any land. Is there any law higher than that of any portion of the earth's territory, so that if the two happen to conflict, and one tells us to do one thing, and another tells us to do another thing, we are to obey the first rather than the last. Is that the question? That is the question.

Well, now it seems to me, my friends, that here is no question at all. And the only remarkable thing about it is that it should ever have been made a question; that any person, at this late period of the world, should ever have thought for one moment of raising a doubt upon the subject. It is amazing, I confess, that we should be assembled on this Fast-day to say and hear a word about the existence of a higher law. I doubt, if the prediction had been made fifty years ago, whether our ancestors would have believed that we should have ever come to this. They would as soon have suspected that we should have come together on this Fast-day in 1851 to discuss the question of the authority of the Bible; or whether Jesus of Nazareth was an impostor; or whether he ever existed.

What! doubt the existence of a law higher than the

law of the land ! Seriously debate the question whether the law of the land, whatever it may be, made by whomsoever it may be, be he the most debased, ignorant, profligate, tyrannical wretch in the world or not—be he one or more or all of these, is always to be implicitly and unhesitatingly obeyed. What ! seriously discuss this question in the 19th century, with the Bible in their hands—with a conscience in their breasts—and all history, sacred, and profane, including their own, before their eyes ! This is not possible for men to do. But this *is* possible ; nay, more, this has been done ; and this is the reason why we come to say a word about it to-day.

Our astonishment at the fact shall not prevent our giving the subject as faithful an examination as such limits will allow.

Why, go back as far as the second book of the Old Testament, and see if we cannot find ample evidence of the existence of a law higher than the law of the land—though laid down with the authority of one of the greatest, if not the very greatest monarch of that day. Did not Pharaoh command that all the male children born of Hebrew parents should be thrown into the Nile ? Was not that the law of the land—the law of Egypt ? Why then did not Amram and Jochabed, the parents of Moses, obey it ? How came they to evade it and save Moses ? They did as you would have probably been prompted to do in their places. They obeyed the higher law. And I am not aware that any body since has ever disapproved of their conduct.

The next case that we come to is that of the three Hebrew youths, recorded in the book of Daniel,—Shadrach, Meshach, and Abednego. A great king had made a great law, that all the people should fall down and worship the great golden image which he had set up. Shadrach, Meshach and Abednego disobeyed ; and for this, their contumacious behavior, were cast into

a furnace of fire, seven times heated, so great was the wrath of the king,—but God delivered them. They obeyed the higher law, and that saved them, and not only them, but Nebuchadnezzar and his kingdom, by converting them over to the true faith. Now Shadrach, Meshach and Abednego plainly disobeyed the law of the land. Nobody can doubt about that. And yet I am not aware that any one in all these ages has ever condemned their conduct on this occasion.

The next case we come to is that of Daniel. His is one of the most glorious names in the Bible. It almost fills the eyes with tears to think of him. He was a very righteous and good man—a man of prayer. By order of a great king, however, extorted from him by wicked and artful courtiers who wished to destroy Daniel, he was forbidden to pray. Yet Daniel continued to pray just the same as ever, three times a day, with his windows opened towards Jerusalem; for which he was cast into a den of lions; but the lions could not hurt him. God had shut their mouths. And so another great king, Darius, with his kingdom, was converted by the miracle over to the true faith. Now here was a higher law and a lower. Daniel obeyed the first, and the whole world has blessed his memory for it ever since.

We come now, in the course of our investigations, to the New Testament; and what do we find there? Do we find anything different? Here is one of the laws that was promulgated about that time:—“Now both the Chief Priests and the Pharisees had given a commandment that if any knew where he (Jesus) were, *he should shew it that they might take him.*” This bears, I confess, as I read it, a most startling resemblance to another case that is right before us,* and occupying, at the present time, the most prominent place in public attention. I do not know how it may strike others, but

* The case of Sims.

it seems to me that the cause of Christ is brought particularly home to us in the case and person of the fugitive slave; that here we have a most striking illustration of our duty as set forth in the commendation:—"For I was an hungered, and ye gave me meat; I was thirsty and ye gave me drink; *I was a stranger, and ye took me in*;" (in this last clause of the description, as Christ afterwards explains it, the application is especially striking, in the case before us; for who, I blush to say it, is "a stranger," in the worst sense of the word, a stranger to the equal sympathies of a white American, if a colored American is not—if a southern slave is not;) "I was a stranger and ye took me in; naked, and ye clothed me; I was sick and ye visited me; I was in prison, and ye came unto me." Or the rebuke—"I was an hungered, and ye gave me no meat; I was thirsty and ye gave me no drink; I was a stranger and ye took me not in;" (because the law forbade it,) "naked and ye clothed me not; sick and in prison and ye visited me not. Then shall they also answer him saying, when saw we thee an hungered, or athirst, or a stranger, or naked, or sick, or in prison, and did, or did not, minister unto thee? Then shall he answer them saying, Verily, I say unto you, inasmuch as ye have done it or done it not to one of the least of these my brethren, ye have done it, or done it not to me." Now if the Southern slave is not "one of the least of these our brethren" of the human family, in any proper and Scriptural sense of those words; if he is not one of the least in power and influence; one of the least, the very least, in popular estimation, regard and love; if our Saviour, with his prescient knowledge of the future, may not reasonably be supposed to have had him in mind in that tremendous picture of the 25th chapter of Matthew; and if Christ, therefore, is not represented in him; if he may not be said to speak and

plead, and suffer in the person of the panting, flying bondman ; nay, if the case is not brought still nearer and more closely home to us in the Jewish law regarding him which we have just quoted, where Christ himself was a fugitive, not from justice, but from injustice, like the Anglo-African of our own country ; and the law regarding the one, especially when taken in connexion with the other words from the picture-scene from the final judgment, does not bear, in many respects, a very strong resemblance to the law regarding the other, — why then I must candidly confess that I have very little comprehension of the meaning of the divine word ; that I can place very little confidence in my judgment of the application of any of its precepts. At any rate, that was the law of the land. Nobody can doubt that who reads and believes the words we have just quoted, — “ Now both the Chief Priests and Pharisees had given a commandment, that *if any knew where he were*, he should shew it that they might take him.” That, then, was the law. Did the disciples obey it ? They ought to have done so if this doctrine is correct that there is no law higher than the law of the land, and this is always to be implicitly obeyed ; for they knew where he was. Did they then obey it ? One of them did, — Judas Iscariot ; and how he has been looked upon ever since for that cruel act of treachery, it is unnecessary for me to say.

We now come to the particular case referred to in the text. The authorities of Jerusalem had expressly forbidden the Apostles to preach the Gospel. They had made it a penal offence. What did the Apostles ? Did they attempt to raise an armed force to resist the Jewish authorities ? No ; they did what was a great deal better than that — they proclaimed the higher law, in those immortal words, “ We must obey God rather than men ; ” as well as in their previous ones to the same authorities

who had laid down the same law, and used the same threats, "Whether it be right in the sight of God to hearken unto you more than unto God, judge ye." And they did as they said. "They departed from the presence of the council, rejoicing that they were counted worthy to suffer shame for his (Jesus) name. And daily in the temple, and in every house, they ceased not to teach and preach Jesus Christ;" just as much as if the chief priests, &c., had never commanded to the contrary.

We see, then, that both the Old and New Testaments, — both Law and Gospel, proclaim the existence of a law higher than that of any land which ever stretched its acres beneath the sun of heaven — as much higher as heaven is than earth, or God or Christ than man; a law to whose indefeasible and everlasting supremacy some of the best men that have ever lived — many of those to whom we have alluded, as well as thousands that have succeeded them — all adown the line of the centuries and history of the Church, have bowed with unshaken fidelity, and set the seal of their martyr blood.

But we have not only Scriptural, we have *legal* authorities in abundance in behalf, — and proof of the existence and everlasting paramount claims of the Higher Law; which God has written out twice for us on two tables; first, on the fleshly tablets of the human heart — the light that lighteth every man that cometh into the world; and secondly, that there might be no mistake about it, in case, and whenever the other should become dim — in blazing brightness on the pages of his book. For instance, Vattel, and all writers on international law, even declare that the solemn sanctions of a treaty are void, if the provisions are opposed to natural justice. Blackstone says: — "If any human law shall allow, or require us to commit crime, we are bound to transgress that human law. Fortescue says: — "The law of

nature being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. No human laws have any validity, if contrary to this." Coke states that, "when an act of Parliament is against common right, the common law will control it and adjudge such act to be void." Littleton says:—"It is generally laid down that acts of Parliament, contrary to reason are void." Noyes says:—"The inferior must give place to the superior; man's laws to God's laws. If, therefore, any statute be enacted contrary to them, it ought to be considered of no authority in the laws of England." Hobart says:—"An act of Parliament may be void from its first creation as an act against natural equity; for the laws of nature are immutable." Judge McLean, in his reports, says:—"Statutes against fundamental morality are void."

And thus we have both Law and Gospel — and not only so, but both, too, in a double sense of each, on our side in this argument. But we have something more than this even. We have additional evidence, that we shall hardly be disposed to impugn, if possibly we could the other; we have our own sayings and acts; we have our own political Gospel and history; we have our own Declaration of Independence and Revolution. What was the former, with its description of George the Third as marked with every trait that might define a tyrant, whom it was a duty to resist, according to the established political maxim, that "resistance to tyrants is obedience to God;" and that immortal maxim that "all men are born free and equal, endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness" — words that we know so well, and have celebrated so much, and so often, and yet that, by a strange inconsistency, we seem to have latterly almost forgotten; what was that, I ask, but a proclamation, a republication to the four winds

of Heaven of the Higher Law? And what was the latter, the Revolution, but a suiting of the action to the word? If there is no higher law than the Constitution of the State, whatever it may be, monarchical or republican, as this strange and absurd doctrine is, our ancestors did very wrong to resist and rebel. They ought to have been hung or shot, as they would have been, if they had not succeeded. They ought to have been, that is to say, if capital punishment is ever lawful in such cases, or in any case.

With respect to the Fugitive Slave Law, "*the Black Law*," as some one has significantly termed it, which has called forth these remarks, or rather the sophism which they have endeavored to refute, it is unnecessary for me to express an opinion. That opinion, so far as it is of any consequence or influence, is known already. Nobody could suppose for a moment that I could form any other. With respect to what kind of obedience, or rather *submission*, we are to render to it, in the difficult and critical circumstances in which we are placed, every one must judge for himself. As one "set for the defence of the Gospel," it is my duty to stand up, as well as I am able, for the Higher Law, and then let others make the application, as their consciences and judgments may best dictate.

In the mean time, let me say that if there is one subject that takes especial lead and prominence of all others this day; if there is one that should fill us with regret and sorrow and alarm on this day, set apart by the Governor of the State, for public Humiliation, Fasting and Prayer, it is this Fugitive Slave Law. You may take what view you please of it — what is called the most conservative, or the most radical, and it will be the same in this respect. Suppose, for instance, you think the law was necessary, and constitutional — that we were obliged to pass it (which, by the way, is more than

doubtful,) in order to keep peace with our Southern brethren, and save the Union — that the blood of the slave — of so many of our brethren, (brethren, by *conservative confession*) — of our fellow-citizens — of our fellow-christians — of so many disciples of Christ, and members of the Church, is the indispensable cement of the American Union; that so much human blood must be poured out as a libation on the altar of the Moloch of Southern Slavery — or he will strike us dead; that we must become Slave-hunters and Slave-catchers ourselves, or else that we must see it go on in hopeless and helpless silence, or protest — we must see our fair New England turned into a hunting-ground for slaves, — without being able to say, at least, without being able to do any thing to prevent it; take that view — that this is the price we must pay for liberty, and almost for life — that we must do, or at least that we must see done this great evil, that good may come. Suppose we take *that* view: what a position does it place us in! what ground for sadness and sorrow to-day! Suppose, on the other hand, that we do not believe that even good will come of it — that we shall do evil, and get no permanent good after all, that it is only deferring the fatal consequences (as even some, far from radical, believe): that we are only treasuring up wrath against the day of wrath; sowing the wind to reap the whirlwind; that, in other words, notwithstanding all our concessions, and compromises and efforts, the dissolution of the Union is not far remote; and what next? Nobody can tell, nor can conjecture any thing but something unspeakably terrible, as the most probable result; take *that* view — take it as an American, jealous for the honor of his country — as a patriot, interested in her happiness, prosperity, and glory — as a republican and philanthropist, concerned for the cause of Freedom throughout the Globe; take it as a christian, anxious for the spread of

the Gospel — pained to see its violations — the conflict between Divine and Human Law — and believing in its judgments; now brought almost to tremble at the prospect of the stability, if not the very existence, of its cherished institutions being jeopardized and whelmed in the common ruin, in the land of his birth and his pride; take it as a parent, naturally looking forward to the good of those who shall come after him; take any view we please, and what dismal forebodings must fill our hearts, as “coming events cast their shadows before” of the termination, if not averted, of the terrible tragedy, of which the Fugitive Slave Bill is one of the swelling and progressive acts. And that I am not at all extravagant in all this, let me now show by quoting from what will be regarded as conservative sources. Let me cite an article of the *Christian Register*, after the late rescue:

“It has been with the deepest regret, and with a strong persuasion that little but evil could result from it, that we have followed this Law, from the time when it was first proposed in the Senate, to the present hour. Since it became the law of the land, we have avoided its discussion, thinking it fitting that a law passed by the constituted authorities of the country should have a fair trial. But its practical operation thus far has only confirmed our previous impressions. The case of Gibson, where the wrong man was convicted, proved it a law dangerous to the rights and liberties of our citizens. The sending back of Henry Long that he might be made an example of for having sought what our Declaration of Independence declares to be among the inalienable rights of man, deepened, instead of diminishing, in the hearts of our people, the feeling of abhorrence to Slavery, and, in so doing, instead of uniting, has more widely separated the North and the South. And now the rescue in Boston, while it may have gratified the feelings of humanity among us, has shocked us as

a most dangerous precedent, breaking in as it does on what should be the inviolable sacredness of law. We can conceive of no sadder objection to such a course of legislation, than that it should put to jeopardy the liberties of the free, widen the breach between the different sections of the country, and promote a sentiment of antagonism to law."

How, when we consider that this comes from the organ of the Unitarian denomination, and may be considered as speaking its sentiments even in its conservative aspects; when we consider too that a paper now before me, strong in favor and support of what is called law and order and the national administration, speaks of it as "that infamous firebrand so recently inflicted upon us by the designing politicians to disturb our peace, harmony and union — the Fugitive Slave Law;" "if they do these things in a green tree, what shall be done in the dry?" And what conclusion can we come to but that this "black law," as it was called, is black indeed, from whatever side we choose to look at it, the conservative, or the radical — is black indeed — black in the prospects it sets before us, and the judgments it threatens to bring upon us — aye, so black and impenetrable is the blackness and obscurity in which it trammels up itself and its consequences, that I meet with no one who can, or scarcely dares to look to see what is to be the end of it.

But what, in the mean time, must we do? Do right: — now, and to the end of our lives. Let us thank God that we are never so placed that we are forced to do wrong. There is always some one particular right course, which may he help us to find out and pursue.

I have thus proved, I trust, if any proof was necessary, that there is a Higher Law: — that when the low-

er law, or law of the land, is in strict conformity to it, we are to rejoice exceedingly ; for then we are in the way of truth and duty and peace and prosperity ; that when they conflict, we are to be exceedingly sorry for it, and to be filled with a just alarm ; for “ though hand join in hand,” we read, the wicked shall not go unpunished ; but that for ourselves individually (and that is always each one’s chief concern) whenever it is made perfectly clear to us that the law of God commands us to do one thing, and the law of man another, we are never to hesitate for a moment,— not for a moment, for “ we ought to obey God rather than men.”